

Service Date: December 15, 1993

FINAL ORDER NO. 6274

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF Lawrence M. Rummans)	
dba Diamond Willow Stage Line,)	Docket T-93.148.PCN
Lewistown, MT, application for a)	
Montana Intrastate Certificate of)	Order No. 6274
Public Convenience and Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On October 22, 1993, Lawrence M. Rummans dba Diamond Willow Stage Line, 324 Darby, Lewistown, Montana 59457 filed an application with the Montana Public Service Commission under Title 69, MCA, to amend Certificate of Public Convenience and Necessity PSC No. 9138. Applicant presently holds PSC No. 9138 which authorizes, in part, the following:

Class B - Passengers and baggage in shuttle service between all points and places in Fergus, Petroleum, Yellowstone, Musselshell, Judith Basin, Cascade and Meagher Counties. Limitations: All movements must originate or terminate in Fergus County

Sub B - Class C - Express freight between all points and places in Fergus, Musselshell, Yellowstone, Judith Basin and Cascade Counties. Limitations: 1) All shipments must originate or terminate in Fergus, Musselshell, or Judith Basin Counties. 2) All movements shall be in passenger motor vehicles incidental to the carrier's passenger shuttle service, limited to packages or parcels weighing not more than 75 pounds per package or parcel and such as can be transported safely, conveniently and without discomfort to passengers. 3) Transportation of audit and accounting media, data processing media,

business records, non-negotiable securities, non-negotiable bank checks and valuable papers for financial institutions; processed and unprocessed film and microfilm and incidental supplies relating to snapshots and microfilm is prohibited.

The purpose of the application is to amend PSC 9138 Sub B to remove the restriction limiting freight movements to those provided in passenger motor vehicles incidental to the carrier's passenger shuttle service. Limitation (2) would read "Packages and parcels are limited to a weight of not more than 75 pounds per package or parcel."

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public November 5, 1993. That notice said in pertinent part:

If no written protests are received by November 25, 1993, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. On November 30, 1993, Applicant and protestant Security Armored Express, Inc., Helena, Montana submitted a stipulation to the Commission agreeing to clarify the scope of the application as to commodities. That stipulation is incorporated into the Order granting authority herein.

4. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 6th day of December, 1993, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-93.148.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of Lawrence M. Rummans dba Diamond Willow Stage Line, Lewistown, Montana, to amend Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class C - Express freight between all points and places in Fergus, Musselshell, Yellowstone, Judith Basin and Cascade Counties.
Limitations: 1) All shipments must originate or terminate in Fergus, Musselshell, or Judith Basin Counties. 2) Packages and parcels are limited to a weight of not more than 75 pounds per package or parcel. The transportation of coins, currency, silver bullion, gold bullion,

and other precious metals, precious stones, valuable paintings, and other items of unusual value requiring special handling and security is prohibited. 3) Transportation of audit and accounting media, data processing media, business records, non-negotiable securities, non-negotiable bank checks and valuable papers for financial institutions; processed and unprocessed film and microfilm and incidental supplies relating to snapshots and microfilm is prohibited.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 7th day of December, 1993, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

BOB ANDERSON, Chairman

BOB ROWE, Vice Chairman

DAVE FISHER, Commissioner

NANCY McCAFFREE, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.